

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

DAVID HAMMERS,

Plaintiff,

v.

Case No. 3:13-CV-03659-M-BK

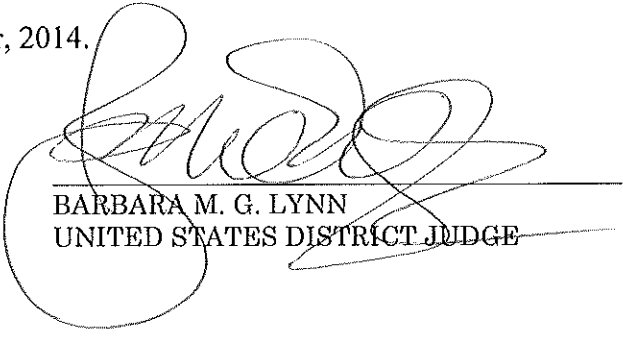
THE CITY OF DALLAS, et al.,

Defendants.

**ORDER ACCEPTING AS MODIFIED FINDINGS AND RECOMMENDATION OF
THE UNITED STATES MAGISTRATE JUDGE**

The United States Magistrate Judge made findings, conclusions and a recommendation in this case. Plaintiff filed objections, and the District Court has made a *de novo* review of those portions of the proposed findings and recommendation to which objection was made. The objections are overruled, and the Court ACCEPTS the Findings, Conclusions and Recommendation of the United States Magistrate Judge, with these slight modifications. The citation in the Findings at page 5, line 4 to Document 26 is to the CM/ECF page number; the hard copy page number is 14-18. Similarly, the reference to Document 29 on line 5 is to the CM/ECF page. The hard copy page number is page 23. Finally, Plaintiff is correct that Defendant Childress did not move for dismissal of the negligence claim against him. However, the Court *sua sponte* dismisses the individual claims against Childress, because the Texas Tort Claims Act precludes suit against individual defendants for acts during the course of their employment, and in his complaint, Plaintiff pled that “at all relevant times . . . Childress [and others] were acting as the agents, servants and/or employees of Defendant City of Dallas.” (Doc. 3 at 1).

SO ORDERED this 31 day of October, 2014.



BARBARA M. G. LYNN
UNITED STATES DISTRICT JUDGE